REMARKS/ARGUMENTS

After the foregoing Amendment, claims 1 – 5, 12 – 16 and 32 – 36 are currently pending in this application.

Claim Rejections - 35 USC §103

Claims 1, 12 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2002/0097686 to Qui (hereinafter "Qui") in view of U.S. Publication No. 2004/0203475 to Gaal (hereinafter "Gaal").

Claims 1, 12 and 13 are further rejected under 35 U.S.C. 103(a) as being unpatentable over EP0899906 to Balachandran (hereinafter "Balachandran") in view of U.S. Patent No. 7,336,629 to Raitola (hereinafter "Raitola").

Claims 2 – 3, 13 – 14 and 33 – 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qui and Gaal in view of U.S. Publication No. 2004/0142698 to Bergel (hereinafter "Bergel").

Claims 4, 15 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qui, Gaal and Bergel and further in view of U.S. Publication No. 2003/0129992 to Koorapaty (hereinafter "Koorapaty").

Claims 5, 16 and 36 are rejected under 35 USC 103(a) as being unpatentable over Qui in view of U.S. Patent No. 5,305,468 to Bruckert et al. (hereinafter "Bruckert").

As the Examiner has admitted, Qui does not disclose Applicants' claimed method and apparatus. Applicants' disclose a method for predicting a future quality of a communication channel wherein a predictive channel quality is derived estimating the future quality of the downlink data channel on a per timeslot basis, based on a current quality and transmitting the predictive CQI, including a recommended transport block size modulation format or number of codes.

The Examiner has then cited Gaal as teaching obtaining channel quality on a per time slot basis. Gaal does not teach the deriving based on the current quality, a predictive channel quality indication estimating the future quality of the downlink channel on a per time slot basis. Applicant does not claim only the taking of measurements on a per time slot basis, nor does Applicant disclose deriving the predictive CQI based solely on a per time slot basis from measurements taken on a per time slot basis. It appears that the Examiner has misinterpreted Applicants' disclosed method.

Again, Applicant discloses the derivation of a predictive CQI estimating the future quality of the downlink data channel on a per time slot basis. The ability to measure channel quality on a per time slot basis still would not allow the Qui system to transmit a predictive CQI that estimates the future quality of the downlink data channel on a per time slot basis. There is nothing in Qui to suggest that the making of measurements on a time slot basis would allow the prediction of

the channel quality estimate of the future quality of the downlink data channel on a per time slot basis. Such a change in Qui would be improper.

Gaal does not disclose the method for predicting a future quality of a communication channel comprising receiving a downlink data communication, performing at least one current quality measurement on the downlink data communication and deriving, based on the current quality, a predictive channel quality estimation estimating the future quality of the downlink data channel on a per time slot basis. As such, neither Qui nor Gaal, alone or in combination with one another, disclose Applicants' method as claimed in claims 1, 12 and 32.

For the same reasons, Balachandran does not disclose Applicants' claimed method. As previously argued, Balachandran discloses a system and method to measure channel quality in terms of signal to noise ratio for the transmission of coded signals over fading channels. There is no disclosure by Balachandran regarding deriving based on a current quality, a predictive channel quality indication estimating the future quality of a downlink data channel on a per time slot basis, and transmitting the predictive CQI. Again, the Examiner has misunderstood Applicants' disclosed method.

As clearly indicated in Applicants' claims, Applicant performs at least one current quality measurement on the downlink data communication to determine the current quality of the downlink data channel. Balachandran's teaching of

making measurements on a per multi time slot basis does not disclose the prediction of a channel quality indication estimating the future quality of the downlink data channel on a per time slot basis. Therefore, the addition of Raitola does not disclose Applicants' method. As Applicant argued above regarding Gaal, Raitola does not disclose the elements missing in Balachandran. As such, Balachandran nor Raitola, alone or in combination with one another, disclose Applicants' method as claimed in claim 1, 12 and 32.

Claims 2 – 5, 13 – 16 and 33 – 36 are dependent upon claims 1, 12 and 32, and the Applicant believes these claims are allowable over the cited references of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the §103 rejection is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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